

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated February 12, 2007 has been received and its contents carefully reviewed.

Claim 1 is hereby amended. No claims are canceled. No claims are added. Accordingly, claims 1 and 3-6 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office rejected claims 1, 3-5, and 6 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended claim 1, and request that the Office withdraw the rejection of claims 1 and 3-5.

Regarding claim 6, the Office purports that “this claim requires applying the force after motor stops. Such is not supported by original disclosure.” *See Office Action* at p. 2. Applicants respectfully traverse this rejection of claim 6. Support for the features of claim 6 can be found in at least paragraph [0022] of Applicants’ original specification. Applicants respectfully request that the Office withdraw this rejection of claim 6.

The Office rejected claims 1 and 3-5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants have amended claim 1, and request that the Office withdraw the rejection.

The Office rejected claims 1, 3, 5, and 6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,116,243 to Khan *et al.* (hereinafter “*Khan*”). Applicants respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP at §2131. The Applicants respectfully submit that *Khan* does not teach each and every element recited in claims 1, 3, 5, and 6 and therefore cannot anticipate these claims. More specifically, *Kahn* fails

to describe, at least, “detecting a rotational speed of the motor as the motor freewheels and slows to a stop and comparing the detected speed of the motor, with a predetermined value; and controlling the driving of the motor to apply a force to the drum after the steps of detecting and comparing . . .,” as recited in claim 1. Furthermore, *Kahn* fails to describe, at least, “controlling the driving of the motor after the dewatering step is complete and the motor stops, to apply a force to the drum, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited in claim 6. *Khan* fails to disclose at least these features.

Khan relates to a method of preventing load sticking by “moistening the interface between fabrics and a rotatable cylinder.” *Khan* at col. 2:14-15. *Khan* discloses that “the first two spin periods each are of a total duration of two minutes while the third or preliminary final extraction period and the fourth or final extraction period are each of approximately six minutes duration, each of the spin periods being shown as progressing from the 46 rpm tumble speed through the 130 rpm intermediate speed and finally up to the top spin speed of 550 rpm.” *Khan* at col. 6:26-32. Applicants assert that the rotational speeds expressed above and illustrated in FIG. 6 of *Kahn* are simply estimates based on a known force and duration of time that a washing machine motor is energized.

The Office, however, asserts that “since the method requires conducting the specific steps at specific rotation speed it is inherent that the rotational speed is detected and compared to the needed value.” *Office Action* at ¶ 7. Applicants assert that the probability that the *circa* 1960 washing machine of *Kahn* used a timer to control the duration of spin (and hence achieved on average an approximately desired speed) is higher than the probability that *Kahn* actually detected a rotational speed of the motor. Moreover, Applicants respectfully assert that persons of ordinary skill would recognize that there were at least two ways for *Kahn* to achieve the speed/time profile of FIG. 6.

To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The

mere fact that a certain thing may result from a given set of circumstances is not sufficient.

MPEP at §2163.07(a) (emphasis added). The Office has failed to provide any evidence as to why “detecting a rotational speed” as claimed, would be necessarily present in *Kahn*’s circa 1960 washing machine. An assertion that the missing element was probably there or could possibly be there is insufficient. Inherency may not be established by probabilities or possibilities. MPEP at §2167.07(a). Applicants assert that control based on detection of rotational speed is not inherently present in *Khan* because, at least, of his disclosure of control based on timer duration periods. Therefore, because *Khan* does not expressly or inherently describe each and every element of independent claim 1, Applicants assert that claim 1 is allowable over *Kahn*. It stands to reason that claims 3 and 5, which depend either directly or indirectly from claim 1, are allowable for at least the same reasons. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. §102(b) rejection of claims 1, 3, and 5.

Regarding claim 6, *Khan* discloses that “complete termination of rotation of cylinder 15 has an effect of allowing residual fabrics adhering to the cylinder to fall off from that cylinder so as to allow the fabrics to be completely rearranged prior to going into this fourth or final extraction operation.” *Khan* at col. 6:69-74. In other words, *Khan* relies on gravity to help the fabrics fall off of the cylinder. *Kahn*, however, fails to describe, at least, “controlling the driving of the motor after … the motor stops, to apply a force to the drum, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited in claim 6. Because *Khan* fails to expressly or inherently teach each and every element of claim 6, Applicants respectfully assert that claim 6 is allowable over *Kahn*. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. §102(b) rejection of claim 6.

The Office rejected claims 1 and 3-5 under 35 U.S.C. §103(a) as being unpatentable over *KR 10-2001-0037081* (hereinafter “*KR 10-2001-0037081*”) in view of US Patent Application Publication No. 2003/0046962 to Sonoda *et al.* (hereinafter “*Sonoda*”) and *JP 05-269292* (hereinafter “*JP 05-269292*”).

As required in Chapter 2143.03 of the MPEP, in order “to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Applicants submit that neither *KR 10-2001-0037081*, *Sonoda* nor *JP 05-269292* either singularly or in combination, teach or suggest each and every element recited in claims 1 and 3-5. In particular, *KR 10-2001-0037081* fails to disclose, at least, “detecting a rotational speed of the motor as the motor freewheels and slows to a stop and comparing the detected speed of the motor, with a predetermined value; and controlling the driving of the motor to apply a force to the drum after the steps of detecting and comparing, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited in independent claim 1.

The Office admits that “*KR 10-2001-0037081* does not teach the use of speed control to determine and prevent unbalanced rotation.” *Office Action* at p. 5. As *KR 10-2001-0037081* does not teach speed control, it cannot teach “detecting a rotational speed of the motor as the motor freewheels and slows to a stop and comparing the detected speed of the motor, with a predetermined value; and controlling the driving of the motor to apply a force to the drum after the steps of detecting and comparing, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited in independent claim 1.

Sonoda fails to cure the deficiencies of *KR 10-2001-0037081*. Contrary to the claimed “detecting a rotational speed of the motor as the motor freewheels and slows to a stop ...,” as recited in claim 1, *Sonoda*’s operations all occur while the drum is rotating, at anywhere from 30 rpm to 1000 rpm. See *Sonoda* at FIGS. 5-6; ¶ 76 (increase revolutions from 30 to 100 rpm); ¶¶ 80-82 (rotating drum at predetermined speed); ¶¶ 94-97 (achieving 1000 rpm). *Sonoda* completely fails to teach or suggest, at least, “detecting a rotational speed of the motor as the motor freewheels and slows to stop ... and controlling the driving of the motor to apply a force to the drum after the steps of detecting and comparing, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited by independent claim 1.

JP 05-269292 fails to cure the deficiencies of *KR 10-2001-0037081*. *JP 05-269292* relates to “speedily stop[ping] a spinning tub free from noise and shift of the whole washing machine” *JP 05-269292* at Abstract. *JP 05-269292* operates a braking device intermittently as a safety mechanism and to reduce noise. *JP 05-269292* at ¶ 27. There is nothing in *JP 05-269292* that teaches or suggests, at least, “detecting a rotational speed of the motor as the motor freewheels and slows to stop ... and controlling the driving of the motor to apply a force to the drum after the steps of detecting and comparing, wherein the force applied to the drum causes laundry attached to the inner surface of the drum to separate and fall away from the inner surface of the drum,” as recited in independent claim 1.

Because neither *KR 10-2001-0037081*, *Sonoda*, nor *JP 05-269292*, singularly or in combination, teach or suggest all of the claimed features of independent claim 1, Applicants assert that claim 1 is allowable over *KR 10-2001-0037081* in view of *Sonoda* and *JP 05-269292*. It stands to reason that claims 3-5, which depend either directly or indirectly from claim 1, are allowable for at least the same reasons. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. §103(a) rejection of claims 1 and 3-5.

For all the reasons stated above, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 3, 5, and 6 and the 35 U.S.C. §103(a) rejection of claims 1 and 3-5.

Applicants believe the application is in condition for allowance. Early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

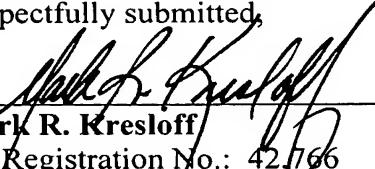
Application No.: 10/720,682
Am dt. dated May 4, 2007
Reply to Office Action dated February 12, 2007

Docket No.: 9988.088.00

filin g of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: May 4, 2007

Respectfully submitted,

By 

Mark R. Kresloff

Registration No.: 42,766

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant

DC:50464562.1